



Wireless
Infrastructure
Association

November 8, 2019

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, WT Docket No. 19-250; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84.

Dear Ms. Dortch:

The Wireless Infrastructure Association (WIA),¹ pursuant to Section 1.1206 of the Federal Communications Commission's rules,² hereby provides notice that on November 6, 2019, the undersigned met with Umair Javed, Legal Advisor for Commissioner Rosenworcel. During the meeting, WIA discussed the ongoing proceeding in which the Commission is considering a Petition for Rulemaking filed by WIA, a Petition for Declaratory Ruling filed by WIA, and a Petition for Declaratory Ruling filed by CTIA.³ WIA reiterated arguments presented in Comments⁴ and mentioned by reference but without taking a position the motion filed by the National League of Cities, local governments, and associations representing local governments, seeking an extension of the reply comment deadline.⁵

¹ The Wireless Infrastructure Association (WIA) is the principal organization representing companies that build, design, own, and manage telecommunications facilities throughout the world. WIA's members include infrastructure providers, carriers, and professional services firms.

² 47 C.F.R. § 1.1206.

³ See *Wireless Telecommunications Bureau and Wireline Competition Bureau Seek Comment on WIA Petition for Rulemaking, WIA Petition for Declaratory Ruling, and CTIA Petition for Declaratory Ruling*, Public Notice, WT Docket No. 19-250, WC Docket No. 17-84 (rel. Sept. 13, 2019).

⁴ Comments of WIA, WT Docket No. 19-250, WC Docket No. 17-84 (filed Oct. 29, 2019).

⁵ Motion for Extension of Time to File Reply Comments, National League of Cities, et al., WT Docket No. 19-250, WC Docket No. 17-84 (filed Nov. 4, 2019).

WIA stressed the importance of the Commission clarifying terms in Section 6409(a) of the Spectrum Act⁶ and the implementing regulations. In particular, it is important for the Commission to clarify when the “shot clock”, created by the *2014 Order*,⁷ would begin and how it applies. Indeed, the record demonstrates the need for clear shot clock rules governing the processing of EFRs.⁸ Therefore, clarification by the Commission would be beneficial to all parties involved, providing helpful guidance to not only those who seek to deploy networks, but also to local governments that review EFR applications.

The rules promulgated in the *2014 Order* passed unanimously, which also reflects Section 6409(a)’s bipartisan history.⁹ In the years since, WIA assisted in the drafting of a model ordinance and checklist for EFR reviews,¹⁰ and WIA remains committed to collaborating with localities and all interested stakeholders in implementing processes consistent with Section 6409(a) so all Americans can benefit from greater connectivity.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS. Please do not hesitate to contact the undersigned with any questions.

November 8, 2019

Respectfully submitted,

/s/ John A. Howes, Jr.

Government Affairs Counsel

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cc: Umair Javed

⁶ Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), Pub. L. No. 112-96, 126 Stat. 156, 232-33 § 6409(a) [2012] (codified at 47 U.S.C. § 1455(a)).

⁷ Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order*, 29 FCC Rcd 12865 (2014) (“*2014 Order*”).

⁸ See AT&T Comments at 11-16; CCA Comments at 5-7; Crown Castle Comments at 5-6, 21-25; CTIA Comments at 12-14; ExteNet Comments at 21; Nokia Comments at 4-5; T-Mobile Comments at 11-16.

⁹ Public Safety Spectrum and Wireless Innovation Act, S. 911, 112th Cong. § 528 (2011). Section 6409(a) traces its history back to the Public Safety Spectrum and Wireless Innovation Act of 2011, sponsored by Senator John D. “Jay” Rockefeller, IV, a Democrat from West Virginia and, at the time, Chairman of the Senate Commerce Committee, and Senator Kay Bailey Hutchison, a Republican from Texas who was Ranking Member of the Committee.

¹⁰ See Press Release, PCIA’s Adelstein Lauds Joint Release of Materials to Aid Deployment of Broadband across America (Mar. 5, 2015), <https://wia.org/pcia-s-adelstein-lauds-joint-release-of-materials-to-aid-deployment-of-broadband-across-america>.